

### **REMARKS**

The foregoing amendment amends Claims 1, 3, 4, 6, and 8, cancels Claims 2 and 5, and adds new Claims 16-18, so that Claims 1, 3, 4, and 6-18 are pending in the application.

#### **The Cited References Do Not Describe the Warm-up Activity Recited by Claim 1**

The Examiner rejected independent Claim 1 under 35 U.S.C. § 103(a) alleging that the claim is unpatentable over U.S. Pat. No. 5,147,205 to Gross et al. ("Gross") in view of U.S. Pat. No. 6,755,657 to Wasowicz ("Wasowicz"). The foregoing amendment to Claim 1 clarifies that the warm up activity directs the eye movement of the user by flashing a word or a phrase on one side of the display screen and then flashing a rhyming word or phrase on the other side of the display screen.

In rejecting Claim 1, the Examiner alleged that Gross describes a visual flash stimulus presenter and that Wasowicz describes verbalizing words and rhyming words. One of the cited sections of Gross describes flashing a word to a user and having the user spell the flashed word. The word is flashed since leaving the word on the screen would allow the user to copy the word and would defeat one of the purposes of the system, which is to help the user learn to spell the word. Another cited section of Gross describes that a visual stimuli, such as a phrase, is flashed to a user. The phrase is flashed to provide a "single transitory presentation" so that a user learns to process multi-word entities rather than only individual words. Column 7, line 67-Column 8, line 28. The phrase is flashed since leaving the phrase on the screen would allow the user to process the words individually and would defeat one of

the purposes of the system, which is to help the user learn to process multi-word entities.

The cited sections of Gross describe flashing a word or words to develop the user's comprehension or spelling skills. They do not describe directing the user's eye movement by flashing one word on one side of the display screen and a rhyming word on the other side of the display screen to develop the user's eye movement.

The cited sections of Wasowicz describe that a spoken word is presented to a user and in response that the user spells the word by typing the word on a keyboard or vocalizing the letters of the word and that a sentence is presented to a user and in response the user determines the number of words in the sentence. The difficulty of determining the number of words in the sentence depends upon various factors, including whether the words within the sentence are phonologically similar (rhyming v. non-rhyming). Although Wasowicz describes that the words within a sentence may rhyme, Wasowicz does not describe that pairs of rhyming words or phrases are presented to the user such that one word or phrase is displayed on one side of the display screen and the other word or phrase is displayed on the other side of the display screen to direct the user's eye movement, as required by Claim 1.

The Examiner alleged that U.S. Pat. No. 6,986,663 to Budra et al. ("Budra") describes displaying a first word on one side and a second word on the other side of the display screen. The cited section of Budra describes that the user is presented with an image representing a "brickload 1712 of seven words including three matching pairs," where the pairs are rhyming words. The words are displayed in different "bricks" and thus are displayed at different locations on the screen. However, the words are not flashed and thus do not direct the user's

eye movement by flashing a word on one side of the display screen and flashing another word on the other side of the display screen. Budra teaches away from flashing since it describes that the first word selected by the user is highlighted and continues to be displayed until the user selects the matching word.

Claims 3, 4, 6, and 7 depend from Claim 1 and are patentable over the cited references for at least the same reasons as Claim 1.

**The Cited References Do Not Describe the Eye Movement Activity Recited by Claim 8**

Claim 8 has been amended to clarify that the eye movement activity flashes a prefix on one side of the display screen and a suffix on the other side of the display screen, then flashes a root word on one side of the display screen and another root word on the other side of the display screen, and then flashes a word that includes the prefix and the root word on one side of the display screen and another word that includes the other root word and the suffix on the other side of the display screen. The Examiner alleged that Pott describes displaying prefixes, suffixes and word roots. Pott describes a “flash-card concept” where prefixes and suffixes are provided on end segments and a root word is provided on a center segment of a stiff paper card. The segments are manipulated by folding the end segments to display various words that can be formed from the prefixes, suffixes and root word. The cited sections of Pott do not describe the use of a computer and thus do not describe flashing a prefix/root word/combination of prefix and root word on one side of the display screen and

a suffix/root word/combination of root word and suffix on the other side of the display screen, as required by Claim 8.

The manipulation of the end segments illustrates the relationship between a root word and a prefix or suffix, but does not direct a user's eye movement or provide an eye movement activity. The cited sections of Pott do not describe directing the user's eye movement by flashing a prefix/root word/combination of prefix and root word on one side of the display screen and a suffix/root word/combination of root word and suffix on the other side of the display screen, as required by Claim 8.

The Examiner also alleged that because Pott describes a spelling method, that verbalization is inherent. The Examiner did not provide a citation to Pott that describes that it can be used for spelling. Pott describes that there are prior art systems that can be used to teach "word construction, grammar and spelling," but does not describe how the multi-segmented cards described by Pott can be used for spelling. Column 1, line 12. Even if the Examiner is correct that Pott inherently describes verbalization, Pott does not describe verbalization as part of an eye movement activity, as required by Claim 8.

Claims 9-16 depend from Claim 8 and are patentable over the cited references for at least the same reasons as Claim 8.

#### **The Cited References Do Not Describe Letter Flash Activity to Treat Disorders**

As described in the specification and recited by Claims 17 and 18, the invention can be used with persons having a mental disability or disorder, such as mentally impaired

disorder (MIID) or seizure disorder, or a person having suffered a stroke. *See* Specification page 25, line 11 – page 32 line 19. The cited references are all directed to users that are seeking to improve their spelling skills or reading skills. In contrast, the claimed invention can be used with users suffering from a disorder to help the user “reset brain wave patterns for overcoming strokes, seizures” and other disorders, by “enhancing learning and memory.” Page 13, lines 5-9.

#### **Declaration of Commercial Success**

As further evidence of the non-obviousness of the claimed invention, a declaration of commercial success executed by the inventor and founder of Camp Academia, Inc. is submitted. As described in that declaration, the Brain Jogging software that includes rhyming words and phrases and prefixes, suffixes and root words has enjoyed commercial success over the prior version of the Brain Jogging software that did not include these elements.

#### **CONCLUSION**

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. No fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brenda O. Holmes", with a stylized flourish at the end.

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Date: June 18, 2007